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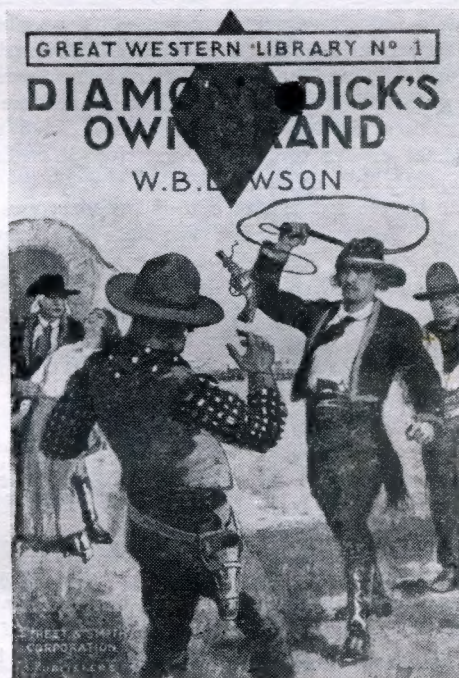
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The Strange Case of Horatio Alger

By Stanley A. Pachon



DIME NOVEL SKETCHES NO. 238

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The Strange Case of Horatio Alger

"From Canal Boy To President"

By Stanley A. Pachon

A good many years ago while researching through files of old publications among them copies of the *American Bookseller*, a magazine devoted to the book trade, in an issue dated Feb. 15, 1887, page 30, in a column called "Personals" was a brief paragraph that staggered me.

"Mr. James A. Gilmore who under the name of "Edmund Kirke" wrote a "Life of Garfield" for Harper's Franklin Square Library in 1880, has applied to the United States Court for an injunction to restrain John R. Anderson from publishing "From Canal Boy to President," by Horatio Alger, Jr., on the ground of the latter work infringing his copyright. A suit for damages is also brought against Mr. Anderson."

I had known that Mr. Gilmore had authored a number of novels with a Southern background, which were quite popular in their day. Checking into his background outside of literature revealed quite a substantial and interesting background. Born in Boston on Sept. 12, 1822 he at an early age left Boston for New York City and entered into business there. How successful he became can be gathered from the fact that he became head of a cotton buying house and made a fortune just before the Civil War. He must have moved in higher social circles too, as he married Miss Laura E. Edmunds, daughter of Judge John W. Edmunds.

Due to the War he decided to get out of business and enter the field of magazine publishing. Being an ardent advocate of emancipation, he purchased the old *Knickerbocker Magazine* but became dissatisfied with it as it was not a good forum for his political views. He left for Boston with Charles Godfrey Leland, an author and editor, and there launched his new magazine with Leland as its first editor, as the *Continental Monthly*. It ran to 120 pages and sold for 35 cents. The first issue appeared in January 1862. In spite of many literary figures of the time who contributed to its pages and serials by Gilmore under the "Kirke" pseudonym, the magazine did not seem to catch on, and the December 1864 issue was the last one.

In 1873 he went again into the mercantile business but left it in 1882 to devote his time to literature. He lived for a number of years at Lake George, New York and died November 16, 1903.

This was the man who filed suit against Alger and his publisher "for infringement of copyright" to put it bluntly, for plagiarism.

But here comes the strange part. When the suit was filed it was not by Gilmore himself but by Mrs. Gilmore as the OWNER of the copyright and the injured party! It is odd that Gilmore himself decided to back away from

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filing this suit. He may have had second thoughts of the success of the suit, or possibly they had the feeling that since it was a woman who was instituting the suit, the settlement could be more generous.

Another odd fact was that although Harpers had originally published Gilmore's book, they kept themselves aloof from the proceedings.

It is true that in his introduction to his book, "From Canal Boy to President" Alger did give "Kirke" (Gilmore) credit when he stated:

"I take pleasure in acknowledging my obligation to two lives of Garfield, one by Edmund Kirke and the other by Major J. M. Bundy. Such of my readers as desire a more extended account of the later life of General Garfield, I refer to these two well written and instructive works. Horatio Alger, Jr., New York, Oct. 8, 1881."

It is true Alger used a good deal of material from "Kirke's" work, but he cannot be called a plagiarist; the only thing one can impute to him was using very poor judgment and not securing permission of the author for the more extensive use of the material.

The Publishers Weekly in its issue of Feb. 8, 1889, Page 101, has this to say:

"The suit as to Alger's 'From Canal Boy to President.' The final hearing of the equity suit of Laura E. Gilmore, owner of the copyright of the work entitled 'The Life of James A. Garfield' against Horatio Alger, Jr., the author of From Canal Boy to President and John R. Anderson, the publisher of that book, was begun before Judge Wheeler in the U. S. Circuit Court January 25. The work owned by Mrs. Gilmore better known by his pen name 'Edmund Kirke' and was published while the president was a candidate. It is alleged that Horatio Alger's book is an infringement upon the work of Edmund Kirke and the injunction now pending should be made permanent, and that Mrs. Gilmore is entitled to damages."

The details of the writ have been recorded in the Federal Reporter and are given here as they appeared there. I could find nothing which indicated that Mrs. Gilmore gained anything from this suit. It would have been much better if she had never begun it.

I would like to acknowledge my appreciation to the late Ralph Adimari for his help.

GILMORE V. ANDERSON et al
(Circuit Court S. D. New York, May 15, 1889)

1. COPYRIGHT—INFRINGEMENT—SUIT—PRACTICE

After hearing in a suit for the infringement of the copyright of a biographical book, the case will not be opened for the purpose of receiving newly discovered evidence that the author was not designated by the subject of the book as his special biographer. The validity of the copyright or the right of complainant to relief does not depend on such designation.

2. SAME

Though Rev. St. U. S. Par. 4952, provides for the forfeiture of every copy of the book, and of such damages as may be recovered, only when the infringement is without the proprietor's written consent, yet that is not the sole provision on which a claim for relief may be founded, but there is a separate right to relief against violations of the "sole liberty of printing" etc. the copyrighted work, given by section 4952; and in suit in equity which had not jurisdiction of an action for the forfeiture, an account of profits only being claimed, allegation and proof of the absence of such written consent are not necessary.

3. SAME—ACCOUNT

An account of profits may be decreed under the general prayer for relief.

4. SAME—CESSATION OF INFRINGEMENT—EQUITY

Infringement furnishes ground for an injunction and the right to an account is incident to the right to an injunction; but the cessation of the infringement removes the occasion, but not the right to an injunction, and such cessation does not deprive complainant of the right to equitable relief.

5. SAME—LACHES

Delay in bringing suit is no defense to the suit when brought, where there is no proof of acquiescence in, or of failure to object to, the acts constituting infringement, and defendant's conduct has not been induced by any act or omission of those interested in the copyright.

6. SAME

Some of the parts of defendant's book in question when quotations from conversations, letters, and speeches; in other, prominent words of statements from plaintiff's book were taken and used with others to convey the same idea; in others the substance of the expression was taken with little variation of language; and in some instances portions of considerable length were copied verbatim. Defendant wrote his book with plaintiff's book constantly before him and so much of the ideas language and mode of expression was carried into defendant's book as to show that plaintiff's book was not used for information only but in parts was appropriated. Held an infringement of the exclusive privilege given by the copyright.

7. SAME—PRIOR APPROPRIATION

It is no defense that some of the appropriated parts had been previously used by others from whose works they were taken by defendant.

8. SAME—PURPOSE OF WORK

Neither is it justification that plaintiff's work was written for a presidential campaign while defendant's was written for young people.

In Equity

Bill by Laura E. Gilmore against John R. Anderson and Horatio Alger Burlingham & Wing and Shoudy & Putnam for oratrix.
John C. Parson, for defendants.

WHEELER, J. The suit is brought upon the copyright of a book entitled "The Life of James A. Garfield" written by James R. Gilmore under the name Edmund Kirke, against infringement by a book entitled "From Canal-Boy to President," written by the defendant Alger, and published by the defendant Anderson. Since the hearing the defendants have moved to reopen the case for newly-discovered evidence to show that Gilmore was not designated by Gen. Garfield as his special biographer. Inasmuch as neither the validity of the copyright nor the right of the oratrix to relief depends at all upon the fact of such designation, no sufficient reason appears for getting the motion, even if that aspect of the case would probably be changed by the evidence sought. The answering affidavits, however, meet that probability, and remove all ground for the motion that otherwise might appear.

The copyright was acquired by Harper & Bros. in 1880. The defendant's book was published in 1881; and the copyright, together with all claims, demands, and rights of action for infringement was assigned to the oratrix January 14, 1886. There is no allegation or proof that what was done by the defendants while Harper & Bros. owned the copyright was without their consent in writing or proof that there has been any infringement since. Counsel

for the defendants insists that the want of consent of that proprietor in writing is necessary to constitute infringement and that there is a total failure of that part of the case. Section 4964 of the Revised Statutes referred to in this connection does provide for the forfeiture of every copy of the book, and of such damages as may be recovered, only when the infringement is without the consent of the proprietor first obtained in writing; but that is not the sole provision, on which a claim for relief may be founded. Section 4592 confers the "sole liberty of printing, publishing, completing, copying, executing, finishing, and vending," the work on complying with the provisions of that chapter. The right to relief against violations of this sole liberty seems to exist apart from the forfeiture; and the forfeiture does not come within the province of this court as a court of equity. *Stevens v. Gladding*, 17 How. 447; *Callaghan v. Myers*, 128 U. S. 617, 9 Sup. Ct. Rep. 177. An account of profits only is now claimed, and that can be decreed under the general prayer for relief. *Stevens v. Gladding*, 17 How. 447.

The counsel for the defendants further insists that as no infringement or threat of infringement since the oratrix acquired the copyright is shown, no ground for injunction or other equitable relief exists, and that consequently the remedy is wholly at law. "The right to an account of profits is incident to the right to an injunction in copy and patent right cases." *Curtis, J. in Stevens v. Gladding*, supra. The infringement, if there was any, furnished ground for an injunction; that it has ceased may take away the occasion for one, but not the right. The oratrix alleged grounds for one that would give jurisdiction, which will not fail although one may not be decreed. *Clark v. Wooster*, 119 U. S. 211, 7 Sup. Ct. Rep. 217.

The delay in bringing this suit is relied upon as a defense. That the right of recovery is barred by any statute of limitations is not claimed; but the lapse of time is said to meet the equity, if any, of oratrix's case. There is, however, no proof of acquiescence in, or failure in objecting to, anything done by the defendants constituting the infringement; complained of. The conduct of the defendants has not been induced, nor their liability varied, by anything done or omitted to be done by those interested in the copyright. Nothing is apparent adequate to cut off any right accrued. *Menendez v. Holt*, 128 U. S. 514, 8 Sup. Ct. Rept. 143.

The most difficult question is as to whether there has in fact been any substantial infringement. Some of the parts in question are quotations from conversations, letters, and speeches; in some, prominent words of statements are taken and used with others to convey the same idea; in others, the substance of expression is taken with small variations of language; and in some instances portions of considerable length are copied verbatim. The speeches, letters, and conversations, by themselves alone, are facts not understood to be the subjects of a copyright. *Cary v. Longman*, 1 East, 358; *Banks v. Manchester*, 128, U. S. 214, 9 Sup. Ct. Rep. 36. But that these were used in making up the work copyrighted would not seem to deprive it of protection. 2 Kent, Comm. 381; *Callaghan v. Myers* 128 U. S. 617 8 Sup. Ct. Rep. 177. Neither does the using of parts as quotations appear to avoid liability for taking them to make up another work, 2 Kent, Comm. 382. The writings of authors are what congress is authorized to secure to them (Const. U. S. art. I Par. 8;) and these are what the sole liberty of copying and vending conferred by congress applies to. The sole liberty is invaded when any material part of what is the author's own work is appropriated. *Sayre v. Moore*, 1 East, 362, note; 2 Kent, Comm. 382, note. The work of Gilmore was written for a presidential campaign, and that of Alger for young persons; and this

difference of purposes is relied upon as a justification. But the author's right is absolute when perfected, and the purpose of an invasion nowhere appears to be made an excuse for it. According to the defendant Alger's own account of his writing his book, he procured Gilmore's and others at the beginning, and wrote important parts of his with Gilmore's constantly open before him. Still the use made of other parts than the second and third chapters of Gilmore's book would not indicate as matter of fact a material appropriation of his writing. But so much of the ideas, language, and mode of expression of Gilmore in these chapters is carried into the defendant's book as to show that Alger did not stop with the use of Gilmore's book for information only, but appropriated parts of it to making up his own. This, according to the decision of the supreme court in *Callagan v. Myers*, 128 U.S. 617, 9 Sup. Ct. Rept. 177, as well as other authorities before mentioned, appears to amount to infringement of the exclusive privilege held out by the copyright. Some of the material from Gilmore's book so used by Alger had previously been used by others, without right, and was taken by him from their works. That he found it there is somewhat relied upon as a ground for considering it public property. These acts of others would not, however, remove the protection of the copyright, nor furnish any excuse for him. Upon such consideration, the defendants appear to be liable to account for the profits of the infringement. The extent of the liability can only be determined by a reference to a master for that purpose. No injunction is understood to be asked for now. Let an order overruling the motion and a decree for an account of profits of infringement, with costs, be entered.

GILMORE V. ANDERSON et al

(Circuit Court, S. D. New York, May 5, 1890)

COPYRIGHT—INFRINGEMENT—ACCOUNTING FOR PROFITS

Defendant printed about 17,000 books infringing plaintiff's copyright, and sold 1,000 at 28 cents each, gave away 1,000 and sold or exchanged the rest at 56¼ cents each. His account-books had been sold for paper stock before suit began, and many books received in exchange became comparatively worthless through no fault of his, but how many could not be told, not how much he received from sales of those so received. His expense account showed that he must have received \$6,770, in order to make a profit. Held, that the evidence failed to show any profit.

In Equity. On exceptions to master's report, 38 Fed. Rep. 846. Charles C. Burlingham, for complainant.

J. H. Parsons, for defendants.

SHIPMAN, J. The interlocutory decree in this case directed the master to ascertain and report the profits which accrued to the defendants by reason of their infringement of the plaintiff's copyright, 38 Fed. Rep. 846. The master has reported in regard to the defendant Anderson, who was the publisher of the infringing book, that, while the expense side of the account can be ascertained, the proofs do not enable an ascertainment of how much Anderson received from the sales, and there is therefore a failure to prove that he realized any gains, profit, or advantage. The complainant has taken four exceptions to so much of the report as relates to Anderson, the object of each exception being to point out that the master was mistaken in his conclusion.

My study of the evidence has led me to surmise that Anderson made a pecuniary profit from the sales of the book. I have been, therefore, desirous to see if that suspicion or belief can be verified, and if any particular amount of profit can be found by trustworthy evidence, and have reached the conclusion that the master was right, and that the exceptions must be overruled.

Anderson's book of account were sold for paper stock before the suit was brought. He printed between 16,000 and 17,000 copies of the Alger book, gave away 1,000 copies, sold 1,000 more at about 23 cents per copy, and sold or exchanged the rest at 56¼ cents per copy. How many of these 14,000 or 15,000 copies he exchanged for school-books, which became comparatively worthless, he does not know, and he does not tell how much he received in money from the books which he received in exchange. He says that the sales for money were less than 10,000 copies, and he cannot swear that there were over 6,000 copies; that he exchanged a great many copies for school-books, and a large part of the books taken in exchange were sold at one cent per pound. His expense account can be ascertained with reasonable certainty, but the inability to know what he received for this uncertain number which was exchanged constitutes the defect in the proofs. In the ascertainment of actual profits, these exchanges for goods, which subsequently turned out, through no want of business skill or enterprise in the owner to be worthless, stand upon the same footing sales which became uncollectible. If there was any evidence that Anderson could have sold the school-books, if he had acted promptly and with business enterprise, or if the actual market value of the school-books, at the time of the exchange, was known, the case would present a different state of facts. Placing the expense account at the lowest figure which it can reasonably bear, he should have received \$6,770, in order to make a profit. If his cash receipts amounted to \$8,000, he clearly made a profit, for his estimate of the expense is plainly too large; but there are no adequate means of determining in any reliable manner what sum he did receive. The exceptions are overruled.

A DIME NOVEL COLLECTORS BOOK SHELF

YESTERDAY'S FACES, Vol. 2, Strange Days, by Robert Sampson. Bowling Green University Press, Bowling Green, Ohio 43403. \$24.95, cloth bound, \$12.95 paperback. A review of the series characters appearing in the early pulps, and their genesis in dime novels where it existed. The unusual detectives from Jules de Grandin to Craig Kennedy; the jungle man stories from Tarzan to Ka-Zar; the space adventurers from John Carter to the Interstellar Patrol, all are covered in enough detail to satisfy the avid fan of the pulps. Highly recommended.

PENNY DREADFULS AND COMICS, English Periodicals for Children from Victorian Times to the Present Day. Published by the Victoria and Albert Museum, Faber and Faber, Inc., 39 Thompson St., Winchester, Mass. 01890, \$17.95. This is a listing with excellent colored and black and white illustrations, of an exhibition at the Bethnal Green Museum of Childhood. The items were loaned to the museum by the Library of Oldenburg University, West Germany. Each era from the E. J. Brett publications to the modern comics is introduced by a knowledgeable text by Kevin Carpenter. Also highly recommended.

PENNY DREADFULS AND OTHER VICTORIAN HORRORS, by Michael Anglo, published by Jupiter, 167 Hermitage Road, London, England, 1977. A very good quick history of English penny dreadfuls. Very good illustrations in both color and black and white. Price in 1977 was 5.50 pounds.

GROSSET & DUNLAP'S CHANGING FORMATS

By Bob Chenu

Every so often there took place major changes in the format which Grosset & Dunlap used for their juvenile series book output. When such a change took place, from that point on a series which was in print would be altered, and the later titles became available only in the new format. For example, when the Jerry Todd series reached a certain point in time, a change in format was made to the one which has illustrated endpapers and a goldfish on the front cover of the book. Titles issued from that point on were therefore not available in the earlier first format.

What this means to collectors is that there are some series which it is not possible to secure in one uniform format. No matter what you do, this is not possible. Again turning to example to illustrate, the famous Tom Swift series cannot be completed in the original tan format. You can't get Television Detector, Ocean Airport or Planet Stone in this and can only find them in the orange format.

Without going back into the mists of antiquity, and confining myself to the present century, we find G&D using a basic format exemplified by the Tom Swift series. It had plain endpapers, and was of similar size and make-up. They used it for pretty much their whole juvenile line. The Outdoor Girls, Peewee Harris, Jerry Todd, Tom Swift, Garry Grayson, Roy Blakely, Don Sturdy, X-X Boys, and Ted Scot are some typical examples of this output.

There were some deviations from the norm in the G&D output which I may as well mention here. The BOBBSEY TWINS series and the BUNNY BROWN AND HIS SISTER SUE series exemplify what is the same basic format, but with a paste on applique picture on the front cover. The TOM SLADE series started off as a slightly larger size book which was reduced to the standard size after only three volumes. The Slades were different too, in that they had illustrated end papers throughout the series life, the illustrations being reproductions of photos of various scouting scenes. The G&D EVERY BOYS LIBRARY editions were a slightly larger size book. All of these variations were really not very far afield though from the standard G&D format.

One change took place in 1916, when the ROVER BOYS series which had been in a deep green binding with white lettering was changed. The first two or possibly three titles of the "Second" ROVER BOYS series were published in the green cloth with red lettering, but in 1919 the binding of the entire Rover series was changed to brown. The change here was not an entire overhauling of all series, but rather the "Second" ROVER BOYS series being made to differ from the "First" ROVER BOYS series for a brief period, and then a return to uniformity in the brown format.

There was also a change which took place in the new ROY BLAKELEY series, which began in 1920 in a gray binding with Roy's face centered on the front cover. In 1922 the change was made to the red binding which we are more familiar with. Somewhere in this period there was also a change in the applique used on the front of THE BOBBSEY TWINS series.

The first complete overhauling of the G&D format took place in 1932. All of the series the firm continued to publish were changed at that time. The change did not magically take place at the stroke of 12:01 midnight to start the year. The firm copyrighted books throughout the calendar year. When the change occurred a title might be produced in the older format early in

FOR SALE

NON-FICTION:

FRANK MERRIWELL'S FATHER (autobiography of Gilbert Patten); THE FICTION FACTORY (Q. Reynolds) history of Street & Smith publ. 1955, 1st.; THE PULPS (large anthology, 1970, 1st); THE PULP JUNGLE, Frank Gruber, (hist. pulp mag., 1970, 1st); NICK CARTER (ed. R. Clurman, 1963, 1st).

FICTION:

NICK CARTER paperback novels, S & S: Play for Millions; A Game Well Played; Written in Blood; The Dead Accomplia; N. C. and the Red Button; A Riddle of Identities; Pointers to Crime; The Bullion Mystery; A Rogue Worth Trapping; The Wolf Within; the Yellow Brand; When Rogues Conspire; The Adder's Brood.

OTHER PB NOVELS:

File 1113 (E. Gaboriau), Garrison's Finish (WBM Ferguson, S & S, 1906 cr.); Gipsy Blair—Western Detective (Judson Taylor, cr 1883); Mischevous Matt (Bracebridge Hemmyng, S & S); Dodo (E. F. Benson, NY, 1895); Boys of St. Aldates (Hemyng, S & S.)

JUVENILES:

HORATIO ALGER: Risen from the Ranks; Herbert Carter's Legacy; Struggling Upward (collection con. Ragged Dick, Phil the Fiddler, and Jed, the Poorhouse Boy) (2 copies). OLIVER OPTIC: Fighting Joe (Army-Navy series, 1893); reprint of same, NY Book Co. 1911; the Sailor Boy (A. L. Burt Co.) BURT L. STANDISH (G. Patten) Lefty o' the Training Camp (1914), Boy Allies with Marshal Foch (C. W. Hayes, 1919); Boy Allies with the Victorious Fleets (R. L. Drake); Motor Boys on the Atlantic (Clarence Young), (1908); Under Two Skies (E. W. Hornung, London, 1892; Mark Tid in Business (Clarence B. Kelland); Captain January (Laura Richards, Boston, 1892); Tom Brown's School Days (Thos. Hughes); Timothy's Quest (K. D. Wiggin, 1899); A Winter Story (Miss Peard), Boston 1877; Rise of Silas Lapham, Houghton Mifflin, 1884, vg (W. D. Howell).

SPORTS:

Baseball Encyclopedia, hard cover, MacMillan, 1966, 300 p. illus., boxed, mint, 1st pr.; Playing the Game, by Stanley (Bucky Harris, mgr. and 2nd baseman Washington Senators, World's Champions, 1924 d.j., worn, good; Babe Ruth, Idol of the American Boy (Daniel M. Daniel, sports writer NY Telegram, cr. 1930); Sport, Mirror of American Life (R. H. Boyle, d.j. exc. 1st ed.)

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the year, and in the new format later in the year as a reprinting became needed. TOM SWIFT AND HIS GIANT MAGNET, copyrighted in 1932, exists in both the tan original format and the later orange one.

I have more exact copyright dating for Leo Edwards titles. JERRY TODD CAVEAMAN was copyrighted 1/30/32, and was produced in the first variety with plain front cover and endpapers. TUFFY BEAN AND THE LOST FORTUNE was copyrighted 5/26/32, and was produced in the new format with a goldfish on the front cover and illustrated endpapers. In Edwards titles the change may thus be pinpointed.

All of this publisher's different series would not necessarily have had the change made on the one particular date. The work involved in designing changes and plates might cause a time spread. The May dating in the Edwards books might not be the dating for the Tom Swift series, etc. However once a series had the change made, all production of its titles from that point on would be in the new format.

Since 1932 was in the midst of the depression it seems that G&D initiated the change to make their books more attractive physically, in an effort to improve sales. These changes improved the books. Later changes all had an overall cheapening effect both esthetically and costwise.

It should be noted that during the thirties a great many of G&D's juvenile series were dropped. Many newer series bit the dust, along with some of the longer strings of titles. Andy Lane, Don Sturdy, Garry Grayson, Hal Keen, Roy Blakely, Tom Slade, Tom Swift, and Westy Martin all were terminated among boys books, and a similar death rate took place among girls books. Under pressure of falling sales G&D was cutting back and revamping generally their line of juveniles.

There were also some further changes in the period 1938-1939 in series which were not discontinued. Books became thinner. Note the last two titles in the Ed Scott series, for example, and the last three Edwards titles published.

The next major impact came from the onset of WW II. Wartime printings carry on their title page the notation, "This book, while produced under wartime conditions, in full compliance with government regulations for the conservation of paper and other essential materials, is COMPLETE AND UN-ABRIDGED."

The wartime product was thinner, and was printed on poorer quality paper which browns and crumbles with age. This change was adopted in 1942 as the nation entered the war and the government imposed regulations. However, not all of the titles copyrighted in 1942 show this change. The X-X Boys Following The Stampede (1942) is of normal size and makeup, similar to preceding titles. Since it would take some time for adoption of governmental regulations following the Pearl Harbor attack on December 7, one would expect this to be the case with production in 1942.

After the end of WW II the G&D line continued to be thinner, although a better quality of paper was used. Having established the thinner book as standard, using less paper and being cheaper to ship, there was no desire or need to return to a more costly product. The era of the thinner juvenile book became standard. Older series such as NANCY DREW and THE HARDY BOYS were continued in thin formats, and new series such as Cherry Ames, Chip Hilton, etc. were initiated in this format.

There was a change in color of the binding in a number of series in 1950. I don't want to try to analyze a change in quality of the cover, which was somewhat cheapened. The CHIP HILTON series changed from a deep red

cover to a sort of pinkish cover. The same color change also affected the CHERRY AMES and JUDY BOLTON series, and THE BOBBSEY TWINS went from a deep green to a greenish color. This 1950 change affected pretty much the whole juvenile line.

In describing formats, Hudson seems pretty far off on this particular change. Taking the Chip Hiltons as an example the first format is described at "Pink-Red (varies)." The fact is that the series first format was a deep red, and the pink format was a second one. The reason for this is that Harry's main interests lay in the old series books, and the inclusion of the series after WW II came about through his desire to make the bibliography more all-encompassing and of more interest and help to collectors whose interests included this later period. My own interests at the time coincided with Harry's, and unfortunately format data for these books was neglected somewhat. The effort was directed more toward trying to get basic data on titles, copyright dates, and to include as many of these series as possible. In truth there were many series, in a period which has become quite important, which there was a lack of familiarity with. When one has read and reread books of a series there is a much greater awareness of differences than there is when one is merely aware that these books exist.

This change in 1950 was a basic enough one in the book covers to be important in the overall picture. I have disregarded various changes involving slight variations in color or weave of cloth, which have been noted by others in describing formats in particular series. The sort of change involved here was a very definite color change, readily apparent to the eye, whereas some of the changes noted by specialists are not similarly obvious ones.

The next big change in format came with the adoption of a cardboard binding which had the pictorial cover. Dust jackets were eliminated. This change took place in 1963.

This year shows examples of books copyrighted in it in both the previous format and the new one. The KEN HOLT series changed in this year with the publication of THE SULTAN'S SCIMITAR. The Biff Brewster MYSTERY OF THE TIBETAN CARAVAN (1963) appeared in the older format, while BRITISH SPY RING MYSTERY (1964) was in the pictorial cover format. I interpret this to mean that CARAVAN was copyrighted early in 1963 and SCIMITAR was later in that year.

In this discussion G&D was chosen for review because it has been one of the major publishers of juvenile series books, and because it survived the depression which saw other publishers go out of business. The longer span of operations affords a greater chance to see the changing trends in juvenile series book publication.

Looking backward, it is evident that the heyday of the series books was reached in the 1920's, and that the trend thereafter was poorer sales. After the dip caused by the depression and WW II, there was a brief revival which seems to have tapered off as juvenile habits changed. Reading was a pastime which now had to compete with television for juvenile attention, as well as with interest in sports participation rather than sports reading. What is happening now is the change to the paperback juvenile book's development, again as a result of cost cutting by the publishing houses. Inflation priced the juvenile output beyond what was an optimum price level.

What will the future hold? Probably there will be a further shrinkage of juvenile book publishing, and what will be published will be in paperback.

Probably there will be less "Series" type of books published. Just read the book review section of the N. Y. Times and see what type of juvenile books are reviewed. The sort you will find are the literary gems which librarians have so long and unsuccessfully advocated for children. If series books survive, as always they will do so because they are desired by kids as reading material and not because of anything else. Will a decrease in juvenile reading habits continue? You'll just have to wait and see. It is not likely that any resurgence will approach the levels reached in the twenties, or even that of the fifties. The world has turned too many times and habits have changed too much to expect this to happen.

AUTHOR—LEWIS B. MILLER

By Robert E. Walters

Among the least known, but better authors of tales of adventure in the late nineteenth and early twentieth century era, was Texan Lewis B. Miller, whose stories appeared in serial form in a weekly farm paper, The national Stockman and Farmer and a regional edition of that publication, The Pennsylvania Stockman and Farmer.

Lewis B. Miller was born at Blocker Creek, Cooke County, Texas on May 27, 1861. His father's name was Henry Miller and his mother was Lurilla Osborn Miller. He received his early education in frontier schools in Texas. In 1881 he obtained an A.B. degree at Texas Christian University located at Thorp Spring, now Fort Worth, Texas. He taught Greek and Latin at Texas Christian University right after his graduation until 1884. He then became a teacher in various Texas public schools from 1885 until 1887.

Miller then did office work in Keokuk, Iowa and St. Louis, Missouri and also worked for the Big Four Railroad from 1888 to 1891, then in 1892 he went to work for John Crowell, who had moved to Springfield, Ohio in 1877, to publish a farm paper, "Farm and Fireside."

Although it cannot be definitely documented, it is probable that "Farm and Fireside" became "The National Stockman and Farmer."

After joining Crowell, Miller wrote many stories which appeared as serials in the weekly farm paper and continued to contribute to the paper after he left Springfield.

Crowell sold out to John Palmer Knapp in about 1904 but Knapp retained Crowell's name for the publishing company which later became The Crowell-Collier Publishing Co.

After Knapp purchased the Crowell Company, he transferred the printing operation of "The National Stockman and Farmer" and "The Pennsylvania Stockman and Farmer" to the town of Wilmerding, Pennsylvania, a suburb of Pittsburgh, where the papers were published by the Wilmerding Press.

Arthur Capper of "Capper's Weekly" owned a subsidiary company, Capper-Harman-Slocum, Inc., which published three semimonthly farm papers, "The Michigan Farmer," "The Ohio Farmer" and "The Pennsylvania Farmer." As far as can be determined to date, there was no connection between the Knapp owned Collier Company and the Capper papers, but some Lewis B. Miller stories were published in "The Pennsylvania Farmer."

From Springfield, Miller moved to Oklahoma in 1904, where he home-

steaded for a time, then he came back to Texas and lived and wrote in Fort Worth until 1931. He was 70 years old at that time. He moved to Marlin, Texas in 1931, apparently to live with relatives, and died there on July 26, 1933. He was buried at Hico, Texas, which is about 70 miles southwest of Fort Worth.

Lewis B. Miller was an excellent writer with a good education, and his stories were very accurate from a geographic and historical standpoint. He wrote adult, young adult tales of adventure, dealing with frontier life, cattle driving, logging and rafting.

The frontier stories involved confrontation with Indians and the hard life of the pioneers.

One story, "The White River Raft," combined logging and rafting in which two young fellows and a veteran woodsman went into a flooded section of the White River in Arkansas, felled trees, constructed a huge raft and floated it down the Mississippi.

While in the swamp area of the White River, they discovered a strange hairy creature possessed of human characteristics whom they dubbed the "Yahoo."

While they were floating down the Mississippi, a luxury steamboat had the misfortune to ram the raft and the passengers were landed on the raft while the damaged steamboat was repaired. Among those passengers was a group of Congressmen, including a tall, not too handsome gentleman by the name of A. Lincoln.

On the trip down the Mississippi the raftsmen encountered river boat gamblers and river pirates, then eventually faced a raging storm but fortunately it had a happy ending.

Due to the fact that Miller's stories appeared originally only in a farm weekly, they did not receive a wide circulation and thus remained unknown to much of the reading public.

Some were reprinted in hardback by Dana-Estes & Co., but none by the lower priced publishers such as A. L. Burt, Winston and Grosset & Dunlap.

One Miller story was an Alger-like "Rags to Riches" tale with the peculiar title, "Bolly Weddle, The Boy from the Ozarks." Certainly not as common a name as Luke Walton, Tom Swift or Andy Hardy.

Dana-Estes & Co. published hard back editions of *The White River Raft*, *A Crooked Trail*, *Saddles and Lariats*, *Big Smoke Mountain*, *The Branded Oak* and a few more, but some never made it to book form, including "Bolly Weddle."

This neglect has been partially corrected by a small church foundation press in Pennsylvania. They are Pequea Publishers, 3981 East Newport Road, Gordonville, Pa. 17529. They have published soft cover reprints of *The White River Raft*, *The Crooked Trail* (original title, "A Crooked Trail"), *Big Smoke Mountain*, *The Branded Oak*, also some which never appeared in book form, such as "Bolly Weddle" and "Trappers of the Ozarks."

For those who collect adventure books for the pleasure of reading, there can be no better investment than in Lewis B. Miller tales.

Most of the biographical data for this article was obtained from Stanley A. Pachon of Bethlehem, Pa. and some from Patricia Chadwell and Ethel Minor of The Fort Worth Public Library, Fort Worth, Texas. Additional data was gleaned by the writer from sources both documented and undocumented, and memories of reading the Lewis B. Miller serials by lamplight, when he was a farm boy more than a few years ago.

NEW RECORDS FOR ALGERS SET AT AUCTION OF SEDDON COLLECTION

By Ralph D. Gardner

A new auction record for books by Horatio Alger, Jr., was set on May 4th, when some 100 members, guests and friends of The Horatio Alger Society attended the sale of the Alger collection of the late Alger Society member, Dick Seddon, of Andover, Mass. The sale was one of the highlights of the annual meeting, which took place at Nashua, N.H.

This was the first event of its type, sponsored by H.A.S. as a unique estate service for families of deceased members. It serves the dual purpose of netting the largest sum of money possible for the heirs, and at the same time to redistribute these books among Alger Society members. The idea was informally considered for some years, but was approached more seriously upon reading, in "The Dime Novel Roundup," of a splendid dime novel collection that was abandoned at curbside for sanitation department pickup after the death of the owner who had spent a lifetime building and enhancing his collection. When, some months ago, Past President Bob Sawyer offered this plan to Dick Seddon's daughter, Mrs. Judy Barton, she readily agreed and was especially pleased to know that these books would find welcome homes with collectors who treasure fine old Algers as much as her father did.

Accordingly, Sawyer appointed an expert committee including Past President Brad Chase, Convention Host Jim Thorp and "Dime Novel Roundup" Editor Ed LeBlanc—all of whom live in the New England area where the collection was located and are knowledgeable appraisers of Alger material—to handle the arrangements.

In keeping with ground rules and base values established by this team, a total of 101 lots—one volume per lot—moved rapidly to brisk bidding during the two-hour auction session that was conducted by Past President Bob Bennett, assisted by Jim Thorp. Top bids were speedily tallied by Secretary Carl T. Hartmann, Treasurer Alex Shaner and Past Treasurer Dale Thomas.

The first 84 lots were Alger first editions. The balance were bound volumes or individual issues of Garfield Library paperback Alger titles that were published in England at the Turn-of-the-Century.

The total sales figure for the 101 lots was \$12,054.00, of which the Horatio Alger Society received fifteen percent, plus the basic expenses of the committee members. All but six lots exceeded their base values. Many fetched several times these estimates. Some significant prices were: Bertha's Christmas Vision, \$400; Five Hundred Dollars, \$400; Gran'ther Baldwin's Thanksgiving, \$222; Joe's Luck, \$250; Making His Mark, \$450; Nothing to Do, \$300; Ragged Dick, \$626; Seeking His Fortune, \$1,000. A complete list of prices realized is printed at the end of this article.

This auction—which shall probably be designated as the Seddon Sale in future references—is surely the second and possibly the third time a sizeable Alger collection has been sold *en bloc*. The previous sale was of the Morris Olsen Collection, sold at Sotheby, Parke-Bernet, New York, in 1973. At that event, 29 lots that contained 155 Alger volumes went under the hammer for \$3,015.00. As Dick Seddon was a bidder at that sale, it is likely that some of the books in his collection were purchased at the Olsen sale.

The possible third sale involves the fine Alger collection owned by the late Frank Gruber, the popular author of western and detective novels as well as screenplays and TV series. I visited with Gruber at his West Los

Angeles home about 1960 and had the opportunity to examine his books. All I know of any possible transaction is encompassed in these lines from a letter received from the late dime novel collector, Charles Bragin (undated, but circa 1965): "Incidentally, do you know [Gruber] sold his Alger collection—told me a couple of months ago—said sold to an insurance executive [who] wanted the collection so badly he sent his private plane. Must have paid very good price for it."

I have been unable to get any hard facts on this. Once, speaking with Bragin on the phone, he suggested that he knew more, but was sworn to secrecy. Some years later I was told by a Gruber acquaintance that he believed the collection might still be in the family's possession.

In order that all members of the Horatio Alger Society had an equal opportunity to bid on the Seddon books, a list of all items was catalogued in issues of the Alger Society publication, "Newsboy," that preceded the annual convention, and many mail bids were received.

Still to be auctioned are the remaining items of the Seddon Collection, and these include many Alger dime novels, story papers, serializations, short stories, poetry, articles, reprints and Alger-related books. These will be listed in a subsequent issue of "Newsboy," offered as a separate sale on a mailed bid basis.

The items offered at the Seddon Sale—and the prices realized—are as follows:

Item no.	— Realized price	
1. Abraham Lincoln, The Backwoods Boy, Anderson & Allen. The page number on page 99 has damaged type — \$53		20. Frank Fowler, The Cash Boy, Burt — \$180
2. Adrift in the City, P. & C. — \$50		21. Frank Hunter's Peris, Henry T. Coates — \$75
3. Andy Grant's Pluck, Henry T. Coates — \$50		22. Frank's Campaign, Loring \$150 Covers do not have numerous parallel vertical lines
4. Ben Bruce, Burt — \$36		23. From Canal Boy To President, John A. Anderson Co. — \$30 No erratum slip
5. Ben Logan's Triumph, Cupples & Leon Co. — \$62		24. From Farb Boy to Senator, J. S. Ogilvie — \$60
6. Ben's Nugget, P. & C. — \$70		25. From Farm to Fortune, Stitt \$70
7. Ben's Nugget (2nd copy) Not 1st ed. — \$35		26. Grand'ther Baldwin's Thanksgiving, Loring — \$222
8. Bernard Brook's Adventures, Burt — \$30		27. Hector's Inheritance, P & C \$85
9. Bertha's Christmas Vision, Brown Bazin and Co. — \$400		28. Helen Ford, Loring — \$73
10. Bound to Riise, Loring — \$90		29. Helping Himself, P & C. — \$84
11. Brave and Bold, Loring — \$80		30. Herbert Carter's Legacy, Loring \$125
12. Charlie Codman's Cruise, Loring — \$120		31. Hugo, The Deformed, G. K. Westgard — \$36
13. Chester Rand, Henry T. Coates — \$100		32. In a New World, P & C — \$100
14. Do and Dare, Porter and Coates — \$105		33. In Search of Treasure, Burt \$150
15. Facing the World, P. & C. — \$35		34. Jack's Ward, Loring — \$125
16. Fame and Fortune, Loring — \$70		35. Jed, The Poorhouse Boy, H. T. Coates — \$126
17. \$500, U. S. Book Co. — \$400		36. Joe's Luck, Burt — \$250
18. Forging Ahead, Penn — \$200		37. Joe the Hotel Boy, Cupples and Leon — \$75
19. Frank and Fearless, Henry T. Coates — \$70		38. Lester's Luck, H. T. Coates \$80
		39. Luck and Pluck, Loring, Missing

- one illus. — \$25
40. Luke Walton, P & C — \$110
 41. Making His Mark, Penn — \$450
 42. Mark Mason's Victory, Burt \$60
 43. Nelson The Newsboy, Mershon — \$110
 44. Mark Stanton, U. S. Book Co. \$300
 45. Nothing To Do, James French & Co. — \$300
 46. The Odds Against Him, Penn \$180
 47. Out For Business, Mershon \$100
 48. Paul Prescott's Charge, Loring \$130
 49. Paul the Peddler, Loring — \$105
 50. Phil, the Fiddler, Loring — \$85
 51. Ragged Dick, Loring. Thick ed. w/ decorative borders and center design on the covers — \$200
 52. Ragged Dick, Loring. Thin ed. w/ decorative borders and center design on the covers — \$626
 53. Randy of the River, Chatterton-Peck Co. — \$100
 54. Risen From The Ranks, Loring \$85
 55. A Rolling Stone, Thompson and Thomas — \$83
 56. Rufus and Rose, Loring — \$97
 57. Rupert's Ambition, H. T. oCates \$110
 58. Seeking His Fortnue, Loring — \$1,000
 59. Shifting For Himself, Loring \$45. Missing one illus.
 60. Shifting For Himself, Loring 95 \$
 61. Sink or Swim, Loring. Missing the single quotation mark on title page — \$40
 62. Slow and Sure, Loring — \$75
 63. The Store Boy, P & C. — \$52
 64. Strive and Succeed, Loring — \$70
 65. Strong and Steady, Loring \$101
 66. Struggling Upward, P & C. \$70
 67. Tattered Tom, Loring — \$140
 68. The Telegraph Boy, Loring \$100
 69. Tom Temple's Career, Burt \$175
 70. Tom Thatcher's Fortune, Burt \$115
 71. Tom Turner's Legacy, Burt \$65
 72. Try and Trust, Loring — \$100
 73. Victor Vane, P & C — \$135
 74. Wait and Win, Burt — \$160
 75. The Western Boy, G. W. Carlston and Co. — \$210
 76. The Young Acrobat, Frank A. Munsey — \$260
 77. The Young Bank Messenger, H. T. Coates — \$95
 78. The Young Book Agent, Stitt Pub. — \$95
 79. The Young Circus Riedr, P and C — \$205
 80. The Young Explorer, Loring \$75
 81. The Young Miner, Loring — \$105
 82. The Young Misician, Penn. Missing two illus. — \$60
 83. The Young Outlaw, Loring \$80
 84. The oYung Salesman, H. T. Coates — \$50

Non-First Rare Items Include the Following Volumes of the Garfield Library: Aldine Pub. Co., oLndon—All bound volumes are in Good condition.

85. Bound volume; numbers 1-8, reissues including the following Alger titles #1 Luck and Pluck; 2 Bill Sturdy; 3 Brave and Bold; 4 Ragged Dick; 55 The Adventures of Herbert Mason; 6 Rough and Ready; 7 Sam's
87. Including the following Alger titles: #15 Never Despair; 16 How His
86. Including the following Alger titles: #5 Paddle Your Own Canoe; 6 Frank's Campaign; 7 Herbert Mason; 8 Sam's Chance; no non-Algers \$80
- Ship Came Home; 17 Tattered Tom; 18 Strive and Succeed; no non-Algers \$90.
88. Two Algers and two non-Algers, the two Algers: #22. Plucky Paul; 24 Bound to Rise — \$55
89. One Alger and 3 non-Algers; the Alger is: #39 Wait Til the Clouds Roll By — \$45
90. One Alger and three non-Algers; the Alger is: #42 Uncle Jacob's Secret \$55
91. One Alger, 3 non-Algers; the Alger: #57 The Odds Against Him — \$45

Individual issues of the Garfield Lby.:		colored paper — \$50
92. #9 The Young Adventurer	\$35	97. #20 Wait and Hope — \$30
93. #11 Jack's Ward —	\$25	98. #26 The Young Ranchman \$71
94. #12 George Carter's Legacy	\$65	99. #75 55Helping Himself — \$50
95. #13 Do and Dare —	\$20	100. #76 Tom Temple's Career \$40
96. #15 Never Despair (Nil Desper-		101. #81 The Telegraph Boy — \$40
andum) Title covered by a brown		Total \$12,054

Editor's note: Ralph D. Gardner's books include the biography-bibliography
 - Horatio Alger; or, The American Hero Era.

NEW MEMBERS

- 374 Robert E. Walters, 961 McLain Road, Columbus, Ohio 43212
 375 Elsewhere Books, 260 Judah St., San Francisco, Calif. 94122.
 376 A. J. McNabb, 512-30 Fashion Roseway, Willowdale, Ont., Canada M2N 6B4

ADDRESS CHANGES

- 250 Herbert E. Utzler, 705 McDowell Ave., Steubenville, Ohio 43952
 362 Richard L. Scharnhorst, 3255 S. Gold St., Wichita, Kansas 67217

RECENTLY PUBLISHED ARTICLES CONCERNING DIME NOVELS, BOYS SERIES BOOKS, ETC.

WHEN "BASEBALL JOE" WAS KING, by Richard D. Miller. Sports Collectors Digest for May 11, 1984. A good article on baseball as a theme in boys books. Although Frank Merriwell is mentioned, the writer sadly neglects the earlier baseball stories that appeared in dime novels during the 1880's and 1890's (Copy of article sent in by Robert L George)

IVY HALLS PRESERVE LITERATURE'S "OLD WEEDS," by Buz Swerkstrom Article appearing Book Mart (issue not known) A very good reivev of the dime novel and boys book collection at the University of Minnesota, illustrated

NOTES

Both the Bowling Green Popular University Press and Dover Publications Inc have been issuing books in the blossoming detective literature field. Among those recently published which are considered significant are:

TWELVE ENGLISHMEN OF MYSTERY, Early F. Bargainnier, Editor, Bowling Green University Press, Bowling Green, Ohio 43403. Cloth \$22.95, paper \$11.95. Short biographical sketches of 12 British detective authors, from Wilkie Collins to Simon Brett.

THE PICCADILLY MURDER, by Anthony Berkeley. Dover Publications, Inc. A reprint of the 1930 original.

KEEP IT QUIET, by Richard Hull. Dover Publications, Inc. A reprint of the 1935 edition published by Faber and Faber.

PRELUDE TO A CERTAIN MIDNIGHT, by Gerald Kersh. Another reprint, this time of the 1947 book published by W. Heinemann. Dover Publications, Inc., 31 East 2nd St., Mineola, N. Y. 11501.